

S P E E C H

OF

HON. JOHN A. GILMER,

OF NORTH CAROLINA,

Delivered in the House of Representatives, on the 80th of March, 1855.

Mr. Chairman, I have been an attentive listener to the arguments on this Lecompton question for some months. Whilst some of the speeches have been calm and considerate, I feel constrained to say that, by far, the larger number have been violent and extremely sectional, tending directly to weaken the respect, which the North and the South should have for each other, and which is essential to the safety of the Union itself. I have heard and read speeches delivered both in this House, and in the other end of this Capitol, by gentlemen from the North and from the South, of a true spirit and meaning of which is *disunion*. True, most, if not all, *profess* to love the Union and the Constitution. Their speeches are filled with expressions of high veneration for the Constitution of our fathers. They indulge in patriotic strains. Their addresses are robed in the most beautiful habiliments, overflowing with professions and assurances most imposing. The spirit of *disunion* is, however, the core. It is presented, and perusal and handling secured, as you would *an asp*, in a casket of beautiful flowers. The *design* is evidently to infuse the poisonous spirit of disunion—where, *for it*, there could be no reception, were proper labels attached. Professions of patriotism are uttered in loud and elegant tones, for peace and harmony, whilst the evident drift is to exasperate and make wider the breach.

With pain and regret am I forced to the belief, there are gentlemen on this floor, who, while they oppose the admission of Kansas with the Lecompton Constitution, do really desire the bill to pass for the sake of certain consequences, disastrous to the peace and harmony of the country, which they expect to grow out of it.

On the other hand, I fear that among other gentlemen, advocating this measure, there are some, whose regret is, that the Lecompton Constitution and the manner of securing its presentation here, were not more odious to the people of Kansas and the free States, so that their ultimate object might be the sooner secured by a bloody

conflict of Northern and Southern arms on the plains of Kansas, and, in case of a failure in this, such bitter sectional excitement, shall certainly ensue, as to produce a fusion of all political parties in the free States, combined as a purely sectional party, against a similar fusion of all parties in the slave States, by which disunion is made certain in the end. These speeches I will not particularize. They have unfortunately gone forth to the country—those of the North to be read in the South, that they there may have examples of how Northern people hate and despise Southern men; and those of the South to be read in the North, that they may know how they are scorned and detested by the citizens of the South.

The designs and purposes of both sides, it is to be feared, are the same—to arouse, drill, and prepare for strife the minds of a great people now happy, with bright prospects for the future, and who, by their united energies, in advancing the industrial and literary interests of the whole country, are doing much more for the true happiness and prosperity of us all.

Without intending to be offensive or personal, I must be permitted to say, I envy not the man who can look on our country *as it is*, and with composure anticipate its condition, when *severed and divided*. The man who can contemplate that *terrible day*, when, by reason of civil war, our beautiful and growing cities, towns, and villages, shall be consumed by fire—our manufactories razed to the ground—our commerce broken up—our lovely fields and gardens made the foraging grounds of ribaldrous soldiery—all international trade and communication cut off—all municipal and family peace destroyed—our sons dragged from their homes—amid the sighs and tears of affectionate mothers and sisters, in the bloody fields of civil strife; and all this growing out of a question as to how, when, or in what manner, forty thousand people *ONLY*, in Kansas, shall settle for themselves their own domestic affairs—or rather, how they shall *soonest* get clear of a few slaves—and get two "*Free-Soil*" Senators and one Repre-

THE KANSAS QUESTION.

SPEECH

OF

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conflict of Northern and Southern arms on the plains of Kansas, and, in case of a failure in this, such bitter sectional excitement, shall certainly ensue, as to produce a fusion of all political parties in the free States, combined as a purely sectional party, against a similar fusion of all parties in the slave States, by which disunion is made certain in the end. These speeches I will not particularize. They have unfortunately gone forth to the country—those of the North to be read in the South, that they there may have samples of how Northern people hate and despise Southern men; and those of the South to be read in the North, that they may know how they are scorned and detested by the citizens of the South.

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Without intending to be offensive or personal, I must be permitted to say, I envy not the man who can look on our country as it is, and with composure anticipate its condition, when severed and divided. The man who can contemplate that terrible day, when, by reason of civil war, our beautiful and growing cities, towns, and villages, shall be consumed by fire—our manufacturing cities razed to the ground—our commerce broken up—our lovely fields and gardens made the foraging grounds of ribaldrous soldiery—all international trade and communication cut off—all municipal and family peace destroyed—our bees dragged from their hives—amid the sighs and tears of affectionate mothers and sisters, to the bloody fields of civil strife; and all this growing out of a question as to how, when, or in what manner, forty thousand people ONLY, in Kansas, shall settle for themselves their own domestic affairs—or rather, how they shall consent get clear of a few slaves—and get two "Free-Soil" Senators and one Repre-

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sentative in Congress. I say such a man has no feeling in common with me—and none, I trust, with the great body of the honest yeomanry of this country, of all sections.

We have our troubles, I admit. We have had sectional troubles of a similar kind before. We have had, as now, disunion threatened, but thanks to the good sense of the people, they have never yet inclined to take the prescriptions of those who boastingly decline to sing peans to the Union!

England, from whom we derive our nature and many of the free principles of which we boast, had her troubles. She has had her dissensions—her White and Red roses—her land has been tinged with blood in civil strife—and once the head of her King was brought to the block—but her people were attached to their government and their Constitution. The storm passed away. The political atmosphere again became pure and healthful; and the government was maintained and improved. And it is my honest conviction, that there is too much good sense in the people of these United States to be led away with the idea of disunion, on account of any difficulties growing out of this question, surrounded by such peculiar circumstances. I predict they will not—unless misled and deceived. But—figuratively speaking—they will bring to the block the political heads of all who shall insist on any such remedy for such complaint.

Mr. Chairman, it is not to be disguised, that our Southern people are anxious about appearances for the future. They see the free States in number and in Representation, already in the majority in both Houses of Congress, and this majority soon to be largely increased; that while the South falls into this minority, they have witnessed, for the last few years, among many people of the free States, an increasing spirit of bitter hostility to the South and her institutions. But let us like statesmen be calm, briefly trace the history of this thing, and inquire why it is. Though by the census, the actual figures show that the natural increase of population in the slave States has been equal to the natural native increase of the free States, yet the free States have excelled us in the settlement of new Territories and raising up new States.

In the first place we of the Southern States have been, and now are, the advocates of free-trade, and many for direct taxes. We have opposed the policy of discrimination in favor of our own domestic industry in the old States, in regulating and raising revenue, and no more than enough to defray the expenses of the Government economically administered. 307345

To this policy we have made in substance, successful opposition—thereby in a good degree cutting off much of the inducement, that would have retained the industrious and energetic population in the old States, who, in consequence, have moved to the Territories, there settled, made new and free States, and became producers instead of consumers of the earth's productions.

In the second place, a majority of Southern politicians have uniformly favored the policy of inviting, alluring, persuading, and in fact hiring emigrants—not only the citizens of the States,

but of the whole world, to move and settle in our Territories. Homesteads, by way of pre-emptions, in the Territories, are offered to all the world. The language of the whole policy is in substance, "come ye all the Earth, and settle in our Territories—here you can become citizens, and without waiting to be naturalized, according to the laws of the Union, you can vote and hold office:" the result of which has been to run from the old States, (slave and free) into the Territories, much of their population, and particularly that portion, though young, industrious, and worthy, who have, or take but little interest in the institutions of the South,—and besides, we find growing out of this, that hundreds of thousands of foreigners are flocking to us every year—that foreign papers are by thousands and thousands being set upon our shores. In fact, I find from the best official statements, that the number of foreign emigrants that came to this country from June the 1st, 1850, to December 31st, 1851, was five hundred and fifty-eight thousand—for the year 1852, three hundred and seventy-five thousand—for the year 1853, three hundred and sixty-eight thousand—for the year 1854, nearly the same. The war in the East diminished the number, but I venture the prediction that between the years 1850 and 1860 there will have come to this country foreigners enough to place in each of twenty new States more population than is now in the Territory of Kansas. These foreigners make their way mainly to the Territories, or crowd into the free States, occasioning increased emigration from them.

These facts being undeniable, I submit, how important it is for our Southern politicians to turn their attention to them. While the people of the North were willing to dispense with and check this immense immigration among them for reasons of a social character, to diminish their taxes, prosecutions and the inmates of their poor houses, jails and penitentiaries, I respectfully ask, why should not the South, to a man, for reasons as well understood as expressed, have joined in this great movement? and if in the first movements and organizations any rules were adopted too strict or stringent to be generally enforced, or too severe on the honest immigrant, to have given their potent aid and influence in modifying the same, so as to have carried most useful results to our beloved South? But it has been their pleasure to pursue a different course, and the results thereof have, in no small degree, contributed to the embarrassing circumstances that now seem to gather around us and swallow up our influence in the National Council. The argument has been, "settle and populate the Territories," forgetting the fact that in the last seventy-five years our population has increased from three to some twenty-seven millions—ninefold—and if the same ratio of increase shall obtain for the next seventy-five years, the result will be nine times twenty-seven millions—showing how important these Territories may be (sold at reasonable prices paid into the treasury,) for the homes of our own posterity, and of honest worthy foreigners, who come to us as they did in former days, from slave of our free government, and who are willing to settle among us, sure of being protected in all their rights of religion and property, and who are

willing to wait until they have understood and become familiar with our people and their institutions before claiming the right to participate in their government.

These suggestions I have made to Southern gentlemen here, and throughout the slave States, that on reflection they may determine whether they have not been remiss in failing to come to the aid of a cause quite material to Southern influence and Southern interests.

I was very much entertained, Mr. Chairman, by the speech of the gentleman from Louisiana [Mr. SANDINGER] and, if I had time, I should like to incorporate at least half of it in mine, to show, in addition to the millions that have already come, how many more millions of paupers are to come under our present system of inviting them to come here.

But, Mr. Chairman, what is it that we have been discussing here for the last ninety days? This discussion has been either intentionally or accidentally conducted so as to bring out the extreme sectional views of gentlemen from the South and from the North. It is only within the last eight or ten days that any conservative man has been permitted to address the House on this agitated question. It is said that this is a question whether any more slave States shall come into this Union, and speech after speech is made and sent to the South to tell the Southern people that we are solemnly debating in the House of Representatives the naked question whether any more slave States shall come into the Union.

Why, Mr. Chairman, if that were true, if that were the only question here, it might have been settled within twenty-four hours after this debate commenced. If that were the only question, I take it that all our American friends would vote for it, every man from the South would vote for it, I know that our Douglas Democrats would vote for it, and I am inclined to think that the Free-Soil wing of the Democracy—these Buffalo-platform men—could be got to vote for it, with a GREEN amendment. That is my opinion.

But, Mr. Chairman, is that the question? On what has this debate arisen? On the special message of the President. Does he say that whether there shall be any more slave States is the question? No sir; that message, as I understand it, means these two things—and it means nothing more and nothing less—to the South, “come in Le-compton,” and to Northern gentlemen, “it is the surest and readiest way, and the only certain way, in which you can confiscate Southern property and get clear of negroes in Kansas.” I have listened to gentlemen here professing great regard for the interests of the South, and, whilst all of them have been eloquent on the first part of the picture, they have all, save and except a gentleman from the chivalrous State of South Carolina, passed over that portion as tenderly as sucking doves. [Laughter.] I will read from the President’s message, in order that there may be no mistake about:

“As a question of expediency, after the right has been maintained, it may be wise to reflect upon the benefits to Kansas and the whole country which would result from its immediate admission into the Union, as well as the disasters

which may follow its rejection. Domestic peace will be the happy consequence of its admission: and that fine Territory, which has hitherto been torn by dissensions, will rapidly increase in population and wealth, and speedily realize the blessings and the comforts which follow in the train of agricultural and mechanical industry. The people will then be sovereign, and can regulate their own affairs in their own way. If a majority of them desire to abolish domestic slavery within the State, there is no other possible mode by which this can be effected so speedily as by prompt admission. The will of the majority is supreme and irresistible when expressed in an orderly and lawful manner. They can make and unmake constitutions at pleasure. It would be absurd to say that they can impose fetters upon their own power which they cannot afterwards remove. If they could do this, they might tie their own hands for a hundred as well as for ten years. These are fundamental principles of American freedom, and are recognized, I believe, in some form or other, by every State constitution; and if Congress, in the act of admission, should think proper to recognize them, I can perceive no objection to such a course. This has been done emphatically in the constitution of Kansas. It declares in the bill of rights that ‘all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit, and therefore they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government in such manner as they may think proper.’ The great State of New York is at this moment governed under a constitution framed and established in direct opposition to the mode prescribed by the previous constitution. If, therefore, the provision changing the Kansas constitution after the year 1864, could by possibility be construed into a prohibition to make a change previous to that period, this prohibition would be wholly unavailing. The Legislature already elected may, at its very first session, submit the question to a vote of the people whether they will or will not have a convention to amend their constitution, and adopt all necessary means for giving effect to the popular will.

“It has been solemnly adjudged, by the highest judicial tribunal known to our laws, that slavery exists in Kansas by virtue of the Constitution of the United States. Kansas is therefore, at this moment, as much a slave State as Georgia or South Carolina. Without this, the equality of the sovereign States composing the Union would be violated, and the use and enjoyment of a Territory acquired by the common treasure of all the States, would be closed against the people and the property of nearly half the members of the confederacy.”

And then he concludes with this very cheering doctrine for Southern men and Southern interests:

“Slavery can, therefore, never be prohibited in Kansas, except by means of a constitutional provision, and in no other manner can this be obtained so promptly, if a majority of the people desire it, as by admitting it into the Union under its present constitution.”

The President points out the way in advance. He stimulates the Free-Soilers in Kansas to dislike the constitution. He requests this prompt means of getting slavery out of Kansas to be recognized in the bill of admission.

Here is the message. I submit it to the Chairman, to the Committee, and to Southern men—suppose, that instead of having the name of James Buchanan attached to it, it had had the name of the distinguished gentleman from Ohio, JOSEPH R. GIDDINGS at the end of it, I ask, if that name had been attached, whether it would not have been an entirely different case? We would pronounce it a rank abolition document. And yet, sir, our Southern friends come up here and talk about associating with Abolitionists, and of hugging Abolition doctrines as a sweet morsel! Why, Mr. Chairman, the whole thing in that message is, "*in with Kansas—out with slavery in Kansas*"—and identically the same thing is in the Senate bill, that the South is called upon to rally as one man to the support of. I have asked many of our Lecompton friends if this GARRIS amendment, which they have got in the bill, speaks the language of this message? Some say no, others say it does; and there is another class who give the answer the girl gave to her mother, when asked, if a certain gentleman was courting her; she replied, "it is a sorter so, and a sorter not so, and rather more a sorter so than a sorter not so." [Laughter.] Now, that amendment is a very little thing—only a few lines. There is not much of it, but I tell you I never read it over but it reminds me very much of the boy who was scolded for not making the potatoe hills on a wet morning large enough. "Well dad," said he, "it is a fact that they are small, but I tell you they have got a darned sight of dirt in them." [Laughter.] Sir, if this is a pill gilded over to make it acceptable to some Green men, Southern men ought to be ashamed of it. I know that this peculiar policy is practised in our little electioneering scuffles in our country, and I suppose everywhere else, but I never supposed it ought to obtain in the Congress of our nation. Once when I charged a friend of mine with having said some foolish things in a speech which he had made, and told him that I thought he had hurt our cause, he said: "Ah, Gilder, you do not know the folks as well as I do. A great many people are like a nest of young birds, if you tap the side of the tree, they'll open their mouths, and swallow the worm down." [Laughter.] Southern men supposed that we had got something by the Dred Scott decision. I, for one, as a Southern man thought we had obtained something; I thought that we had got upon safe ground; that we had perfect equality in the Territories; that we could go there with our institutions and our property, and be just as safe there as the men who go there from any other section with any other species of property. But if this is the meaning, if this is the result of the Dred Scott decision, then those of us who go into the Territories with our slave property, have to run two chances—first that the people may exclude us when they come to form their constitution, and if they do not run us out at first, then whenever the majority of the people desire it, they may run us and our negroes out. And this is the doctrine

upon which the South is to stand—this is the doctrine, mark you, which Alabama and other States are to go out of the Union on, if they cannot get. It is not from any objection to the constitution of Kansas that I, as a Southern man, oppose her admission. I would be pleased that we could fairly and properly get slavery permanently in Kansas. But I object to this doctrine, that we can be protected in our property while in partnership, during the Territorial state, but the moment we become an incorporation—a State—every man that owns joint stock is instantly liable by constitutional provision to have his property confiscated. And this is the doctrine which we have been told here, month after month, and day, after day, that every Southern man must stand upon, otherwise he is an Abolitionist and opposed to the interests of the South!

Mr. Chairman, what is the question which has agitated the country for the last four years? It is one that has taken up the entire attention of Congress. We have been figuring about it until, I believe, not only the country but the Government itself is upon the verge of bankruptcy. This question commenced with two faces—one for the Free-Soil Democrats of the North, and one for the South; and the same identical double face is in this bill, and I will detain the Committee only for a moment, while I refer them to some history of it. We had our troubles some years ago, growing out of the discussion of the compromise measures. In January, 1851, the venerable fathers of the land, Whigs and Democrats, gathered together, with Henry Clay at their head, and drew up a pledge to the country that from and after that day their influence would be exerted against every man for office, State or Federal, who would refuse to stand upon the platform of the adjustment measures of 1850. The people rallied to that standard. The Democratic convention met in Baltimore, in 1852; the Whig convention met at the same place, and they both bowed down at the same altar of peace upon this agitating question. They re-affirmed in substance what Mr. Fillmore said in December, 1851, that this compromise of 1850 should be a finality, and there should be no more agitation of the slavery question in or out of Congress. To that both of the great leading parties were pledged to the country. They put their candidates upon that platform. General Pierce was elected. He was installed. Unfortunately, however, he in a short time made some injudicious appointments; he turned out the true Democrats of the North, men who I am proud to find standing in the same ranks they did then. Van Buren, Dix, Cochrane & Co., the Buffalo platform men, were then coming in, and the party was about to break up. Something had to be done. The Administration was going down. A prescription had to be made. It was given—and on the principle that you prescribe to one choked with a turnip, get him to swallow a pumpkin, and it would relieve him. [Laughter.] They went upon this Cincinnati platform. I am not going to detain the Committee to show how our friends viewed it in the South. That is well known. I desire to show how the matter stands with the Administration, to show what the Democratic Free-Soilers said before, afterwards, and all the time. A few

months before the Cincinnati convention met, a distinguished Free-Soiler wrote to the North. Mr. Hubbard, Mr. Woodbury, and all these noisy men of the Buffalo convention, began to give evidence that they wanted to return to their friends. Here is one; I give it as a fair specimen of their letters and speeches. It is the letter of Hon. C. C. Cambridge:

"HUNTINGTON, December 8, 1855.

"WILLIAM H. LUDLOW, Esq.:

"MY DEAR SIR: Even Southern men in Kansas acknowledge that it will inevitably be a free State. THIS IS THE LAST STRUGGLE FOR SLAVERY; for the half dozen Territories remaining are *already free* and will remain so.

"There would not have been half the trouble about Kansas, but for Atchison's struggle to get back into the Senate. As the question now stands, there ought to be no difficulty whatever in uniting the Democratic party—for the principle of the Nebraska and Kansas bill—*squatter sovereignty*—whatever its origin, gives us every Territory belonging to the United States—and all we have now to insist upon is, that it shall be honestly enforced—that Kansas shall have fair play. Practically there is no difference worth quarreling about.

"It appears to me to be perfectly absurd for us to be grumbling about 'squatter sovereignty' at the present time, when squatter sovereignty will make free every inch of territory now belonging to the United States.

"After the acquisition of California, with the prospect of the addition of more Mexican territory, when Gen. Cass proposed the doctrine of non-intervention, it was an important question, as it might have led to the introduction of many slave States; but after the South had been completely checkmated by California's declaration in favor of freedom, we had no reason to object to the doctrine of non-intervention, or squatter sovereignty. We have now, besides Kansas and Nebraska, New Mexico, Utah, Minnesota, Oregon and Washington, making seven Territories, which will give us seven free States. Some think the fate of Kansas doubtful, but the invasion of the Missouri roudies, independent of natural causes, will make it a free State. These borderers came over first to vote for pro-slavery men—the second time to vote against them in the location of the Capital—and the third time to make a blunder under Shannon, plunder the people, and drink whisky.

"Under such circumstances I cannot conceive what we can possibly gain by resisting a principle which has hitherto excluded slavery from our Territories.

"The slaveholders will not get Kansas, and they are now deprived of the pretext of going into the Territories south of thirty-six degrees thirty minutes, under that compromise. They generally opposed non-intervention on that ground, and contended for carrying the compromise line to the Pacific ocean. It is certainly not for our interest now to have that compromise line restored. Why the South should have voted for its repeal is a question for themselves to settle. They all, at the time, admitted that Kansas would never be a slave

State. I hope our friends will meet the issue boldly, and leave the question of State organization to the people of the Territory, who have the natural and best right to decide for themselves.

"Let the squatters settle—but insist that that principle of the Nebraska act shall be honestly carried out; that the squatters shall have fair play, and shall not be controlled by invaders from Missouri, or any military power whatever. As to 'more slave States,' there are none in prospect; and it is useless to embarrass ourselves by anticipating questions which may or may not arise."

Now, sir, these two wings are standing to-day exactly where they stood before. Tell me, if you please, why these men you are hugging to your bosom on the other side, stand with you? these men who were, and now are, rank Free-Soilers? Tell us why the GREEN amendment is admitted? Which would you rather have for your bed-fellows? I tell you the difference is very much like the slave's reply when asked whether Jim and Mose were not very much alike? He said, "Yes, very much alike, indeed; and particularly Mose." [Laughter.] It is not so much, I fear, that they care about getting negroes into Kansas, or getting them out. It is not any principle of this kind. It is, I apprehend, a mere contrivance by which jobbing has been carried on in this country to keep certain men in power. In fact this whole management and shuffling reminds me of what occurred in one of our North Carolina towns some years ago. A silly fellow declared himself a candidate for town constable. The boys had a circular printed for him. It was printed on both sides like this—with Lecompton on one side, and GREEN upon the other. On one side, he addressed himself to the debtors: "Fellow-citizens, vote for me, and if I am elected constable, I will never force you to payment, even at any extremity." On the other side was an address to the creditors: "If you will come up and vote for me, and I shall be elected, I promise, upon my honor, I will have your money paid, in every instance, at the drop of a hat."

Mr. Chairman, I am not disposed to detain this Committee with a review of the decision of the Supreme Court in the Dred Scott case. All I have to say is this: that my views upon the constitutionality of the Missouri compromise were known long before that decision was made; and I thought that the compromise was not in accordance with the spirit of the Constitution. Although my opinion inclines to that of the Supreme Court, and did before the decision was made, yet, from the length of time it had been a compromise, I was disposed to look upon it as a compromise which had better be abided by. As in the case of two neighbors whose boundary line is in dispute—a boundary which can only be settled by the provisions of a deed, and no agreement they might make by parol would change the line fixed by the deed, any more than any agreement between two sections of the country by Congress, could be changed. But when the neighbors have established a line by parol agreement, staked and chopped it off, and have lived in peace, harmony, and prosperity under it for more than thirty years, if they should come to me and ask my advice, whether they should break up this old landmark—now the true line being ascertained

by the deed—and go back to their rights according to law, I should say, as a man, a neighbor, and as a Christian, also, that they had better let the old landmarks stand and abide by them; and by no means revive old disputes and quarrels. So with the case of this Missouri compromise. I do not believe the South is going to gain anything by its repeal, and I firmly believe that the only reward the South will ever get from its repeal will be to her injury, and anything but an advantage to her true interests.

But it is said that the only way to pacify the country is to admit no amendments to this bill; that it cannot be bettered; that in no way can it be improved; that it has got to be passed in the shape in which it is presented, even though a proposition should be presented, which, if carried out, would more effectually pacify and quiet the country and settle the whole question. Why, say they, it would be intervention. Now, let me detain the Committee a moment to show ridiculous that idea is. What is this thing of non-intervention? Why, is it intervention to leave the people of a Territory perfectly free and untrammelled to settle this, with all other questions, in their own way, fairly and properly, subject only to the Constitution of the United States?

Now, sir, do we consider it any intervention, in the case of a trial by jury, after the verdict is announced, to set the same aside, and grant a new trial upon affidavits which clearly prove and satisfy the judge that the verdict was obtained by fraud, by perjury, by deception, or by any malpractices? Is it any intervention for an honest and conscientious judge, after being satisfied of the facts by reliable affidavits, to say that he doubted whether the verdict had been fairly obtained, and in the exercise of the discretion which is vested in him, decide to grant a new trial, in order that justice might be done? Is that an interference with the right of trial by jury? And suppose a jury is empanelled to settle the question, and they come back to the judge, and one of the jury gets up and says the verdict is so and so, and another says it is not so, and the judge tells them, "gentlemen, you had better retire, get together again and consult, and agree upon your verdict, and, when you come in, it will be recorded"—is that any interference? I wanted to show how ridiculous this idea is. Is that intervention? What are GREEN'S and PUGH'S amendments? Let our Northern anti-slavery men, of all parties, understand that the President of the United States has given a true construction to the Dred Scott decision, and you will never have any more fuss about this matter from them. The President says it means that when the people of any State see proper to get together in a legal way, to get up a convention sanctioned by law, a mere majority vote of their assembly *Free-Soil*, they may form a constitution and the negroes will all slope. That is giving the Abolitionists a new cue, and one which will run out the institution of my beloved section from all the Territories, certainly, and endanger it in many of the States.

Mr. Chairman, I desire to look upon this question without reference to any section, or how it will effect any body other than the general good and peace of the whole country. If no other plan can

be devised and agreed on, I may feel myself constrained to vote for the measure, being urged by Southern friends and sectional pressure. And if I do, the GREEN amendment stricken out, it will not be (and I say it here,) a measure which my sound judgment can approve as the better plan. If I could, I would put the whole responsibility upon the Democracy, where it belongs, for I do believe if they would relax a little, and honestly set their heads to work with our Southern friends and other conservative men in this House, this whole matter might be put upon a footing entirely satisfactory to the South—to the East—to the West—to the North—satisfactory to the people of Kansas—and without any compromise of any principle—substantially in the manner indicated by me heretofore.

I must say that when I hear it asserted here, and everywhere, and the proofs strongly tending to show that the government of Kansas was, in the first instance, ruthlessly snatched from the people, unconstitutional test oaths applied, by which the minority, who by fraud obtained the control of the government, and by which the majority were kept from participating in the government—when I am told—and the proof tends that way—that not more than one-half of the counties of the Territory were permitted to be represented in the convention, I doubt the propriety of supporting the constitution framed thus. I dissent from the idea that a majority of the counties of any State can make a constitution that is binding on the minority of counties who did not have a chance to be represented in the convention. Why have you more judges than one? It is not simply for the sake of numbers, but that there may be conference, argument, interchange of views. We may be to-day all inclined one way, and to-morrow a greater and better mind than any of us, representing but one district, may make a suggestion sufficient to change the opinion of the whole Congress. We know that the election of the 4th of January was recognised by the Secretary of State, who gave instructions that that very election should be fairly held, and the votes fairly and impartially taken; that vote turns out to be over ten thousand against the constitution. We are told, too, and assured, that the Legislature of the Territory, representing the will of the people, are unanimously protesting against this thing; and we are also told that the whole constitution rests on fraud, deception, and violence. And, permit me to say, further, as a Southern man, that when I see my Southern friends on the Special Committee in this matter, declining to obey the instructions of the House, and shrinking from inquiry, it leaves the suspicion stronger on my mind that these reports are true. I hope that they are not. I hope that the deeds perpetrated there have not been so horrible as they have been represented; but when I see chivalrous gentlemen from my own section of the Union turning their back upon an investigation, and saying that we had better not look into these things, I take it for granted that there is more in these assertions than I before supposed. But, sir, this Special Committee was directed to do another thing. That was, to tell us whether this Territory had within its confines ninety-three thousand inhabitants. Now, I ask

every man here, on what figures, and on what evidence, he can satisfy his mind that there are ninety-three thousand in Kansas? What was the last census?

Mr. SHERMAN, of Ohio. Twenty-three thousand.

Mr. GILMER. How long ago was that?

Mr. SHERMAN, of Ohio. Last June.

Mr. GILMER. Then where, I appeal to Southern men, do you get the requisite ninety-three thousand population? But they come forward and say that the Republicans wanted to have Kansas admitted under the Topeka constitution, and therefore they are estopped. And they also say that at the last Congress our Democratic friends undertook to pass an enabling act, and therefore they are estopped. Well, that may apply to the Republicans, and may get them out of court. It may very well apply to our Democratic Southern friends, and turn them out of court. But what are they going to do with the poor Americans? We say that the Republicans were mistaken, and that that was only a movement of intemperate zeal. We want to know what the facts are. I venture to say that there are not four individuals there to every single voter. The experience of this country shows that in a territory where there are but few females, and few old or very young persons, the voters are in the ratio of not more than one to every three or four. Well, now, take the ten thousand voters and multiply that figure by three—you have but thirty thousand of population there. Multiply it by four, and you have but forty thousand. Multiply it by five,

and you have but fifty thousand. Multiply it by six—what we all know is far beyond the ratio—and you have only got sixty thousand. And yet here are Southern gentlemen—men who want to protect the equality of Southern representation in Congress—coming forward here in hot haste and denouncing as an Abolitionist every man who will not consent to allow the thirty thousand or forty thousand quarrelling people of Kansas to come in as a State, and to send here two Jim Lanes and somebody else like them, to vote in the Congress of the United States; and that all for Southern interest!

That, mark you, is advancing the great interests of the South! I know there is not a man here who can say that he has evidence that there is a population of ninety-three thousand people in the Territory of Kansas. The fact is not so; and the fact that our Southern friends, having the control of the Special Committee, declined to inquire into that important point, proves that it is not so.

But, Mr. Chairman, permit me to say, in conclusion, that we are not left in the dark, and without precedents as the proper course to be pursued in a difficulty of this kind. Kentucky, after several attempts, was admitted into the Union and allowed to frame her constitution subsequently, in her own way. So I believe now, that Kansas should be allowed to come into the Union, and that she should be allowed to settle this question and frame a constitution for herself. Do this, and Kansas will be satisfied—the House will be satisfied—and the whole Union will be satisfied.

WASHINGTON, D. C. •

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